**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No. 5240 of 2007**

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| **PETITIONER** | | Karuna Sagar Nag, aged about 36 years, S/o Shri Hemwant Nag, Assistant Teacher, Primary School Sangkarmari, Block Bakawand, Tahsil Jagdalpur, District Bastar (CG) |
| | | ***Versus*** |
| **RESPONDENTS** | 1 | The State of Chhattisgarh, through the Secretary, Tribal Welfare, D.K.S. Building, Raipur (CG) |
| | 2 | The Collector, Bastar at Jagdalpur, District Bastar (CG) |
| | 3 | District Education Officer, Bastar at Jagdalpur, District Bastar (CG) |

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Shri Vishnu Koshta, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(11.09.2007)**

**Sunil Kumar Sinha, J.**

Heard finally with consent of the parties.

The petitioner has challenged the validity of his transfer order dated 22.7.2007, by which he has been transferred from Primary School, Sangkarmari, Block Bakawand to Primary School, Jugali, Kondagaon on administrative grounds (Annexure-P/1).

Learned counsel for the petitioner submits that when the petitioner went to the office of the Block Education Officer, Kondagaon and reported there and prayed for his joining, the Block Education Officer replied that there is no such institution in Block Kondagaon, therefore, the joining of the petitioner cannot be taken. He also submits that the petitioner has obtained a certificate to this effect which is also given by the Block Education Officer, Kondagaon, District Bastar on 16.8.2007 (Annexure-P/3), according to which, there is no such school in the aforesaid

Block. He further submits that before that, the petitioner has made a representation before the Collector and the District Education Officer, Jagdalpur stating the aforesaid situation but no action has been taken on the representation so far. A copy of representation has been filed as Annexure P/2.

Having heard the learned counsel for the parties, having gone through the contents of Anexure-P/3, which is a certificate issued by the Block Education Officer, which shows that there is no institution in his Block like Primary School, Jugali and further considering that the representation of the petitioner is pending before the concerned authority, in the opinion of this Court, the ends of justice would be served, if the concerned authority is directed to dispose of the representation (Annexure-P/2) filed by the petitioner.

Accordingly, the petition is disposed of with a direction that if the representation filed by the petitioner on 9.8.2007 (Annexure-P/2) has not been disposed of so far by the concerned authority, it shall be disposed of as early as possible preferably within a period for 6 weeks from the date of production of certified copy of this order along with copy of this writ petition and the documents annexed with the writ petition. The petitioner shall be obliged to file the certified copy of this order within a period of 15 days from today. It is further directed that till the representation is decided, the effect and operation of the impugned order dated 22.7.2007 (Annexure-P/1) shall remain stayed.

Certified copy as per Rules.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

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